



The Mysore(Religious and Charitable) Inams Abolition(Karnataka Amendment) Act, 1985

Act 18 of 1985

Keyword(s):

Religious and Charitable, Mysore

Amendments appended: 11 of 2006, 3 of 2012

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THE MYSORE (RELIGIOUS AND CHARITABLE) INAMS ABOLITION (KARNATAKA AMENDMENT) ACT, 1984.

ARRANGEMENT OF SECTIONS

Sections :

1. Short title and commencement.
2. Insertion of new section section 16, 17 and 18.
3. Amendment of section 19.
4. Insertion of new section 21.
5. Amendment of section 28.
6. Amendment of section 29.
7. Amendment of section 30.
8. Savings.

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STATEMENT OF OBJECTS AND REASONS

Act 18 of 1985.- The Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955) which came into force on 1st September 1955 was amended by the Karnataka Inams Abolition Laws (amendment) Act, 1979 (Karnataka Act 26 of 1979). The amendment which came into force with effect from 1st May 1979 altered the principle of payment of compensation payable to the inamdar (Religious Institutions) for all the rights vested in the State.

Prior to the amendment, as per section 19 of the Principal Act, Government had to pay to the inamdar (Religious Institution) every year so long as the Institution existed as compensation for all the rights of the inamdar vested in the State, the basic annual sum as a tasdik allowance determined by the Deputy Commissioner in accordance with the provisions of sections 16 to 18 of the said Act. The basic annual sum represented the whole of the net average income derived by the Institution out of the lands during the period of 5 years preceding the date of vesting, less certain items like jodi, quit rent, remuneration payable to the Village Officer towards realisation of land revenue, etc. The Act also provided for interim payment to the institutions enabling them to carry on the day to day administration.

The amendment Act No. 26 of 1979 replaced the provisions contained in section 19 relating to payment of "Basic Annual Sum as a Tasdik Allowance". The amendment Act provides for payment of an amount equal to the amount that would have been payable to a religious or charitable institution under clause (iii) of the second proviso to section 55 of the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962), as if the inamdar were a land holder and his rights in the inam lands had become extinguished and vested in the State Government under section 44 of the Land Reforms Act.

These amendments reduced the amount payable to the institutions considerably and it became very difficult to manage their offices. Subsequently by Act 3 of 1982, the Karnataka Land Reforms Act was amended retrospectively substituting the second proviso to section 51 and omitting clause (iii) thereof.

It is considered necessary to amend the provisions of the Mysore (Religious and Charitable) Inams Abolition Act, 1955 and to restore sections 16, 17, 18 and 19 of the principal Act, as they

existed prior to the coming into force of the Amendment Act 26 of 1979 on 1st May 1979 and to provide for payment of tasdik allowance.

Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, as No. 185 dated 27-3-1984 at page 7-8.)

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KARNATAKA ACT No. 18 OF 1985.

(First published in the Karnataka Gazette Extraordinary on the Seventh day of June, 1985)

THE MYSORE (RELIGIOUS AND CHARITABLE) INAMS ABOLITION (KARNATAKA AMENDMENT) ACT, 1984.

(Received the assent of the President on the Twentieth day of May, 1985)

An Act further to amend the Mysore (Religious and Charitable) Inams Abolition Act, 1955.

WHEREAS it is expedient further to amend the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955) for the purposes hereinafter appearing;

BE it enacted by the Karnataka State Legislature in the Thirty-fifth year of the Republic of India as follows :-

1. Short title and commencement.- (1) This Act may be called the Mysore (Religious and Charitable) Inams Abolition (Karnataka Amendment) Act, 1984.

(2) This section and section 8 shall come into force at once and the remaining provisions shall be deemed to have come into force on the first day of May, 1979.

2. Insertion of new sections 16, 17 and 18.- After section 15 of the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955) (hereinafter referred to as the principal Act), the following sections shall be inserted, namely:-

"16. Basic annual sum.- A sum called "the basic annual sum" shall first be determined in respect of the inam.

17. Component parts of basic annual sum of an inam.- (1) The basic annual sum of an inam shall be the aggregate of the sums specified below, less the deductions specified in section 18, namely:-

(i) the whole of the average net annual income derived by the inamdar during a period of five years immediately preceding the date of vesting from lands in respect of which any person is entitled to be registered under sections 4, 5 and 7.

(ii) the whole of the average net annual income derived by the inamdar during a period of five years immediately preceding the date of vesting from lands other than lands in respect of which any person is entitled to be registered under sections 4, 5, 7 and 8:

Provided that,-

(a) the income from sandalwood or any other reserved forest produce shall not be included in the annual income from forests unless the right thereto was expressly conferred on the inamdar by a competent authority;

(b) the income from royalty on minerals or from mining leases shall not be included in the annual income unless the right to such minerals or mines was expressly conferred on the inamdar by a competent authority and such right was recognised under section 38 of the Land Revenue Code;

(c) the income from ferries shall not be included in the annual income unless the right to such ferries was expressly granted to the inamdar by a competent authority.

(2) Where the particulars necessary to compute the average net annual income under clause (ii) of sub-section (1) are not available or appear in material respects to be incorrect, the computation may be made in such manner as may be prescribed.

(3) The provisions of sub-section (1) shall in their application to a minor inam be subject to the modification that in clause (i) and clause (ii) the reference to section 7 and section 8 respectively, shall be omitted.

18. Jodi etc., to be deducted.- From the aggregate of the sum referred to in clauses (i) and (ii) of sub-section (1) of section 17, ascertained as aforesaid, there shall be deducted,-

(a) the whole of the Jodi, quit-rent or other amount, if any, or a like nature, payable annually by the inamdar;

(b) the annual remuneration payable to village officers at the scales prescribed by the Government by or under the Mysore Village Officers Act, 1906 where such officers were employed by the inamdar;

(c) the average annual cost of maintenance of irrigation works incurred by the inamdar during the period of five years immediately preceding the date of vesting;

(d) the average annual cost of management of the inam incurred by the inamdar during the period of five years immediately preceding the date of vesting".

3. Amendment of section 19.- In section 19 of the principal Act, in sub-section (1) for the words "an amount equal to the amount that would have been payable to a religious or charitable institution under clause (iii) of the second proviso to section 51 of the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962) as if the inamdar were a land holder and his rights in the inam lands had become extinguished and vested in the State Government under section 44 of the said Act," the words, "the basic annual sum as a tasdik allowance" shall be substituted.

4. Insertion of new section 21.- After section 20 of the Principal Act, the following new section shall be inserted, namely:-

"21. Deputy Commissioner to determine basic annual sum.- (1) The Deputy Commissioner shall determine in accordance with the foregoing provisions the basic annual sum in respect of the inam.

(2) Any inamdar or other person interested may within such time as may be prescribed or such further time as the Deputy Commissioner may in his discretion allow, apply in writing to the Deputy Commissioner, for a copy of the data on the basis of which he proposed to determine the basic annual sum.

(3) On the receipt of such application, the Deputy Commissioner shall furnish the data aforesaid to the applicant and he shall also, before passing any order under sub-section (1), give the applicant, reasonable opportunity of making his representation in regard thereto in writing.

(4) A copy of every order passed under sub-section (1) shall be communicated to every inamdar concerned, and also to every applicant under sub-section (2)."

5. Amendment of section 28.- In section 28 of the principal Act, in sub-section (2), for the words "amount" the words "tasdik allowance" shall be substituted.

6. Amendment of section 29.- In section 29 of the principal Act,-

(i) in the heading, for the words and figures "or 26" the figures and words, "21 or 26 and reference to the prescribed authority", shall be substituted;

(ii) in sub-section (1), after the figures "10" the figures "21" shall be inserted; (iii) after sub-section (1), the following sub-section shall be inserted, namely:-

"(2) If any question arises whether any building or land falls within the scope of sub- section (2) of section 7 or sub-section (2) of section 8 or section 11 it shall be referred to the prescribed authority whose decision shall be final".

7. Amendment of section 30.- In section 30 of the principal Act, sub-sections (2) and (3) thereof shall be renumbered as sub-sections (3) and (4) and before the sub- sections as so renumbered the following sub-section and proviso shall be inserted, namely:-

"(2) The Deputy Commissioner may, by general or special order authorise any officer not below the rank of a Tahasildar subordinate to him to hold enquiries on his behalf, under this Act :

Provided that the Deputy commissioner may in respect of any enquiry held by any such officer, direct such officer to hold a fresh or further enquiry or himself hold a fresh or further enquiry if in his opinion a fresh or futher enquiry is necessary."

8. Savings.- (1) All applications under section 21 of the principal Act and all appeals from orders under the said section, pending immediately before the commencement of the Karnataka Inams Abolition Laws (Amendment) Act, 1979 (Karnataka Act 26 of 1979) (hereinafter referred to as the said Act) and which had abated on the commencement of the said Act shall stand revived and shall be disposed of under the provisions of the principal Act, as if they had remained pending till the commencement of section 1 of this Act.

(2) Appeals allowed by law against any decision of the Deputy Commissioner under section 21, which consequent to the enactment of the Karnataka Inams Abolition Laws (Amendment) Act, 1979 (Karnataka Act 26 of 1979) could not be preferred, may be so preferred before the prescribed authority,-

- (a) by the State Government within six months; and
- (b) by any person aggrieved by such decision within thirty days from the date of the commencement of this Act.

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KARNATAKA ACT NO. 11 Of 2006
THE MYSORE (RELIGIOUS AND CHARITABLE) INAMS ABOLITION
(KARNATAKA AMENDMENT) ACT, 2005

Arrangement Sections

Sections:

1. Short title and commencement
2. Insertion of new section 21B

STATEMENT OF OBJECTS AND REASONS

It is considered necessary to provide a provision for review by the State Government of the order of basic annual sum (Tasdic amount) determined by the Divisional Commissioner under section 21A prior to the commencement of the Mysore (Religious and Charitable) Inams Abolition (Karnataka Amendment) Act, 2005,-

It is proposed to provide a provision that the Government while reviewing the order of the Divisional Commissioner has to give an opportunity to the person affected. It is also provided that if on enquiry it is found that any excess amount has been paid such excess amount to be adjusted in the subsequent Tasdic amount to be paid and in case, such excess amount cannot be adjusted, the same to be recovered as arrears of land revenue.

Hence the Bill.

(L.A. Bill No.30 of 2005)

KARNATAKA ACT NO.11 Of 2006

(First Published in the Karnataka Gazette Extra-ordinary on the twenty sixth day of May, 2006)

THE MYSORE (RELIGIOUS AND CHARITABLE) INAMS ABOLITION (KARNATAKA AMENDMENT) ACT, 2005

(Received the assent of the Governor on the twenty second day of May, 2006)

An Act further to amend the Mysore (Religious and Charitable) Inams Abolition Act, 1955.

Whereas it is expedient further to amend the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the fifty-sixth year of Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Mysore (Religious and Charitable) Inams Abolition (Karnataka Amendment) Act, 2005.

(2) It shall come into force at once.

2. Insertion of new section 21B.- After section 21A of the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955), the following section shall be inserted, namely:-

"21B. Review.- The State Government may where of its own motion or otherwise at any time is satisfied that the basic annual sum determined by the Divisional Commissioner under section 21A prior to the commencement of the Mysore (Religious and Charitable) Inams Abolition (Karnataka Amendment) Act, 2005 was not correctly determined or erroneously determined and requires to be revised with reference to any new matter which has since come to its notice or on account of some mistake or error apparent on the face of the record or on an application of an aggrieved party or for any other sufficient reason, it may revise the basic annual sum so determined either by increasing or decreasing it:

Provided that no order shall be passed except after giving the person or persons so affected a reasonable opportunity of being heard:

Provided further that if any excess amount has been paid, such excess amount shall be adjusted in the subsequent basic annual, sum to be paid and in case, such amount cannot be so adjusted, the same may be recovered as arrears of land revenue."

By Order and in the name of the Governor of
Karnataka,

G.K. BOREGOWDA
Secretary to Government,
Department of Parliamentary Affairs and
Legislation.

KARNATAKA ACT NO. 3 OF 2012
THE MYSORE (RELIGIOUS AND CHARITABLE) INAMS ABOLITION
(KARNATAKA AMENDMENT) ACT, 2011
Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 21A
3. Amendment of section 21B

STATEMENT OF OBJECTS AND REASONS

Amending Act 3 of 2012.- The Post of Divisional Commissioner is now redesignated as Regional Commissioner. Therefore, it is considered necessary to make amendment to the Mysore (Religious and Charitable) Inams Abolition Act, 1955, in order to empower the Regional Commissioner to reconsider the tasthik amount fixed by the Deputy Commissioner.

Hence, the Bill.

[L.A. Bill No.31 of 2011, File No.Samvyashae 32 Shasana 2011]

[Entries 5 and 18 of List II and entry 28 of List III of the Seventh schedule to the constitution of India.]

KARNATAKA ACT NO. 3 OF 2012

(First published in the Karnataka Gazette Extra-ordinary on the fourth day of January 2012)

THE MYSORE (RELIGIOUS AND CHARITABLE) INAMS ABOLITION
(KARNATAKA AMENDMENT) ACT, 2011

(Received the assent of the Governor on the second day of January, 2012)

An Act further to amend the Mysore (Religious and Charitable) Inams Abolition Act, 1955.

Whereas it is expedient further to amend the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixty second year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Mysore (Religious and Charitable) Inams Abolition (Karnataka Amendment) Act, 2011.

(2) It shall be deemed to have come into force with effect from fifth day of January, 2007.

2. Amendment of section 21A.- In the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955) (hereinafter referred to as the principal Act), in the heading and in section 21A, for the words "Divisional Commissioner", the words "Regional Commissioner" shall be substituted.

3. Amendment of section 21B.- In section 21B of the principal Act, for the words "Divisional Commissioner", the words "Regional Commissioner" shall be substituted.

By Order and in the name of the Governor of Karnataka,

G.K. BOREGOWDA
Secretary to Government,
Department of Parliamentary Affairs and
Legislation